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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,411	09/29/2003	Christopher R. Helmer	71343-0005	2410
20915	7590	05/31/2005	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			LEE, KEVIN L	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,411

Applicant(s)

HELMER, CHRISTOPHER R.

Examiner

KEVIN L LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/29/2003
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 and 20-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No. 4,550,928) in view of Chimera (U.S. Patent No. 5,348,043). The patent to Berg discloses a fluid coupling comprising a gladhand (44) moveably mounted on a body (22), the body comprising a swivel connection and spring (40) to allow the gladhand to be moved between a stored position and a use position, col. 2, lines 10-31. In the stored position, the gladhand abuts a cup (52) that serves as a cover to protect the face and opening of the gladhand, col. 2, lines 32-46. As illustrated in Figures 5-7, the body can comprise a lower body portion (66) and an upper body portion (64). The fluid coupling of Berg lacks having a rotatable valve located within the body to control the flow of fluid through the flow path formed in the body. The patent to Chimera teaches the above exception in providing a rotatable valve (4) with a handle (16) within a body (2) including a gladhand (1), the valve (4) controlling the flow of fluid through the valve body, col. 4, lines 42 and 43. In view of the teaching of Chimera, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify the fluid coupling of Berg to include a rotatable valve at the inlet of the valve body to control the flow of fluid through the valve body.

Claims 1-16 and 20-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chimera in view of Berg. The patent to Chimera discloses a fluid coupling comprising a gladhand (1) in series with a ball valve (4). The gladhand lacks being removably mounted to the body and having a swivel connection to allow the gladhand to be moved between a stored position and an in use position. The patent to Berg teaches the above exception in providing a gladhand (44) moveably mounted on a body (22), the body comprising a swivel connection and spring (40) to allow the gladhand to be moved between a stored position and a use position, col. 2, lines 10-31. In the stored position, the gladhand abuts a cup (52) that serves as a cover to protect the face and opening of the gladhand, col. 2, lines 32-46. As illustrated in Figures 5-7, the body can comprise a lower body portion (66) and an upper body portion (64). In view of the teaching of Berg, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fluid coupling of Chimera to include a gladhand removably mounted on the valve body and a swivel connection to allow the gladhand to be moved between a stored position and an in use position, the swivel connection including a spring to allow the gladhand to be automatically swung to the stored position, so that the gladhand will not project forwardly when not in use and thus not be subject to damage.

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Claims 17-19 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chimera in view of Berg as applied to claims 1 and 20 above, and further in view of Kushida et al (U.S. Patent No. 4,483,511) The ball valve of Chimera lacks having a spring-biased seal against the ball valve element. The patent to Kushida et al teaches the above exception in providing a ball valve element (4) with a spring biased seal comprising a bushing (7), valve seat (11), seal (13) and biasing member (14); see Figure 1 and 2. In view of the teaching of Kushida et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball valve of Chimera to include a spring-biased seal for the ball valve element, the seal including a bushing, seal and biasing member to enhance the seal against the ball valve element.

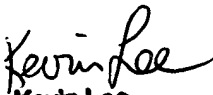
Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE MANCENE can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAY 24, 2005

  
**Kevin Lee**  
**Primary Examiner**